

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DANIEL R. COOPER,

4:13CV3086

)

Plaintiff,

)

v.

)

**MEMORANDUM  
AND ORDER**

DEPARTMENT OF THE ARMY, )

SECRETARY OF THE ARMY, John )

M. McHugh, ATTORNEY )

GENERAL OF THE UNITED )

STATES, ERIC HIMPTON )

HOLDER JR., UNITED STATES )

ATTORNEY FOR NEBRASKA, and )

DEBORAH R. GILG, )

)

Defendants.

)

This matter is before the court on its own motion. On June 10, 2013, I ordered the plaintiff, Daniel Cooper (“Cooper”), to either pay the court’s filing and administrative fees or submit an application to proceed without prepayment of fees. (Filing No. [4](#).) It has come to my attention that Plaintiff Daniel Cooper paid the filing fee in this matter on April 19, 2013, but receipt of the payment was not docketed until June 18, 2013, due to an administrative error by the clerk’s office. (See clerk’s office’s text-only entry from April 19, 2013.) In light of this,

IT IS THEREFORE ORDERED that:

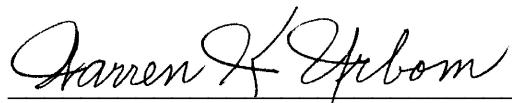
1. My June 10, 2013, Memorandum and Order (Filing No. [4](#)) is rescinded. Cooper need not pay any additional filing fees or submit an application to proceed without prepayment of fees.

2. Federal Rule of Civil Procedure 4 requires service of the complaint on a defendant within 120 days of filing the complaint. However, because summonses were not issued as to the defendants until June 18, 2013, Cooper is granted, on the court's own motion, an extension of time until 120 days from the date of this order to complete service of process. Failure to obtain service of process on a defendant within 120 days of the date of this order may result in dismissal of this matter without further notice as to such defendant.

3. In accordance with General Order Number 2013-02, the clerk's office is directed to remove this case from the pro se docket and reassign it to the appropriate magistrate judge. This order does not change the assignment of the district judge.

Dated June 25, 2013.

BY THE COURT



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Warren K. Urbom  
United States Senior District Judge

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